

RLC:AG/JS  
F.#2008R00241

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

FRANKLIN ACOSTA DE VARGAS,  
also known as  
"Luis Hernandez,"  
SERGIO ALEJO,  
also known as "Viejo,"  
WENDELL ALOMAR-CABRERA,  
also known as "Gregorio,"  
JORGE H. ARBAJE-DIAZ,  
also known as "Shorty,"  
[REDACTED]  
ALBERTO CASTILLO,  
[REDACTED]

RODOLFO GARCIA,  
also known as "Martillo,"  
JOSE MANUEL JIMENEZ-GUERRA,  
also known as "El Gordo,"  
ROBERTO LOPEZ,  
also known as "Morro,"  
RUDY MARTINEZ,  
also known as "Bacalao,"  
WILKIN ENMANUEL MATEO-ESPINAL,  
GABRIEL PABON,  
also known as "Jose,"  
IVAN PAULINO,  
JORGE PIÑERO,  
also known as "Malo Malo,"  
JAVIER RIVERA,  
also known as "Bobolo,"  
RIGOBERTO RIVERA,  
also known as "Chiquito,"

**FILED**  
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U.S. DISTRICT COURT E.D.N.Y.  
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**BROOKLYN OFFICE**

S U P E R S E D I N G  
I N D I C T M E N T

Cr. No. 08-0115 (S-3) (NGG)  
(T. 21, U.S.C., §§  
841(a)(1),  
841(b)(1)(A)(i),  
841(b)(1)(A)(ii)(II),  
841(b)(1)(D)  
and 846; T. 18, U.S.C., §§  
924(c)(1)(A)(i),  
924(c)(1)(A)(ii),  
924(c)(1)(A)(iii),  
924(c)(1)(C)(i),  
1951(a), 2 and 3551 et  
seq.)

FELIX RODRIGUEZ,  
also known as "Alexi,"  
"Macho,"

[REDACTED]  
YVAN TINEO, and  
ASNEL TORRES,  
also known as "Leonel,"

Defendants.

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THE GRAND JURY CHARGES:

COUNT ONE  
(Hobbs Act Robbery Conspiracy)

In or about and between May 2003 and August 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants FRANKLIN ACOSTA DE VARGAS, also known as "Luis Hernandez," SERGIO ALEJO, also known as "Viejo," WENDELL ALOMAR-CABRERA, also known as "Gregorio," JORGE H. ARBAJE-DIAZ, also known as "Shorty," [REDACTED] ALBERTO CASTILLO, [REDACTED] RODOLFO GARCIA, also known as "Martillo," JOSE MANUEL JIMENEZ-GUERRA, also known as "El Gordo," ROBERTO LOPEZ, also known as "Morro," RUDY MARTINEZ, also known as "Bacalao," WILKIN ENMANUEL MATEO-ESPINAL, GABRIEL PABON, also known as "Jose," IVAN PAULINO, JORGE PIÑERO, also known as "Malo Malo," JAVIER RIVERA, also known as "Bobolo," RIGOBERTO RIVERA, also known as "Chiquito," FELIX RODRIGUEZ, also known as "Alexi," and "Macho," [REDACTED] YVAN TINEO, and ASNEL TORRES, also known as "Leonel," together

with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce and the movement of articles and commodities in commerce by the robbery of drug traffickers in New York, North Carolina, Pennsylvania, Georgia, and elsewhere.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

COUNT TWO  
(Unlawful Use of Firearm)

In or about and between May 2003 and August 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants FRANKLIN ACOSTA DE VARGAS, also known as "Luis Hernandez," SERGIO ALEJO, also known as "Viejo," WENDELL ALOMAR-CABRERA, also known as "Gregorio," JORGE H. ARBAJE-DIAZ, also known as "Shorty," [REDACTED] [REDACTED] ALBERTO CASTILLO, [REDACTED] [REDACTED] RODOLFO GARCIA, also known as "Martillo," JOSE MANUEL JIMENEZ-GUERRA, also known as "El Gordo," ROBERTO LOPEZ, also known as "Morro," RUDY MARTINEZ, also known as "Bacalao," WILKIN ENMANUEL MATEO-ESPINAL, GABRIEL PABON, also known as "Jose," IVAN PAULINO, JORGE PIÑERO, also known as "Malo Malo," JAVIER RIVERA, also known as "Bobolo," RIGOBERTO RIVERA, also known as "Chiquito," FELIX RODRIGUEZ, also known as "Alexi," and "Macho," [REDACTED] YVAN TINEO, and ASNEL TORRES, also known as "Leonel," together with others, did knowingly and intentionally use and carry a

firearm during and in relation to a crime of violence, to wit: the crime charged in Count One, and did knowingly and intentionally possess a firearm in furtherance of said crime of violence.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 2 and 3551 et seq.)

COUNT THREE  
(Conspiracy to Distribute Narcotics)

In or about and between May 2003 and August 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants FRANKLIN ACOSTA DE VARGAS, also known as "Luis Hernandez," SERGIO ALEJO, also known as "Viejo," WENDELL ALOMAR-CABRERA, also known as "Gregorio," JORGE H. ARBAJE-DIAZ, also known as "Shorty," [REDACTED] [REDACTED] ALBERTO CASTILLO, [REDACTED] [REDACTED] RODOLFO GARCIA, also known as "Martillo," JOSE MANUEL JIMENEZ-GUERRA, also known as "El Gordo," ROBERTO LOPEZ, also known as "Morro," RUDY MARTINEZ, also known as "Bacalao," WILKIN ENMANUEL MATEO-ESPINAL, GABRIEL PABON, also known as "Jose," IVAN PAULINO, JORGE PIÑERO, also known as "Malo Malo," JAVIER RIVERA, also known as "Bobolo," RIGOBERTO RIVERA, also known as "Chiquito," FELIX RODRIGUEZ, also known as "Alexi," and "Macho," [REDACTED] YVAN TINEO, and ASNEL TORRES, also known as "Leonel," together

with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute one or more controlled substances, which offense involved: (a) five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, (b) one kilogram or more of a substance containing heroin, a Schedule I controlled substance, and (c) a substance containing marijuana, a Schedule I controlled substance, all in violation of Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846, 841(b)(1)(A)(i), 841(b)(1)(A)(ii)(II) and 841(b)(1)(D); Title 18, United States Code, Sections 3551 et seq.)

COUNT FOUR  
(Distribution of Narcotics)

In or about and between May 2003 and August 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants FRANKLIN ACOSTA DE VARGAS, also known as "Luis Hernandez," SERGIO ALEJO, also known as "Viejo," WENDELL ALOMAR-CABRERA, also known as "Gregorio," JORGE H. ARBAJE-DIAZ, also known as "Shorty," [REDACTED], [REDACTED] ALBERTO CASTILLO, [REDACTED], [REDACTED] RODOLFO GARCIA, also known as "Martillo," JOSE MANUEL JIMENEZ-GUERRA, also known as "El Gordo," ROBERTO LOPEZ, also known as "Morro," RUDY MARTINEZ, also known as "Bacalao," WILKIN ENMANUEL MATEO-ESPINAL, GABRIEL PABON,

also known as "Jose," IVAN PAULINO, JORGE PIÑERO, also known as "Malo Malo," JAVIER RIVERA, also known as "Bobolo," RIGOBERTO RIVERA, also known as "Chiquito," FELIX RODRIGUEZ, also known as "Alexi," and "Macho," [REDACTED] "YVAN TINEO, and ASNEL TORRES, also known as "Leonel," together with others, did knowingly and intentionally distribute and possess with intent to distribute one or more controlled substances which offense involved: (a) five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, (b) one kilogram or more of a substance containing heroin, a Schedule I controlled substance, and (c) a substance containing marijuana, a Schedule I controlled substance.

(Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(i), 841(b)(1)(A)(ii)(II) and 841(b)(1)(D); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FIVE  
(Unlawful Use of Firearm)

In or about and between May 2003 and August 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants FRANKLIN ACOSTA DE VARGAS, also known as "Luis Hernandez," SERGIO ALEJO, also known as "Viejo," WENDELL ALOMAR-CABRERA, also known as "Gregorio," JORGE H. ARBAJE-DIAZ, also known as "Shorty," [REDACTED] [REDACTED] ALBERTO CASTILLO, [REDACTED] [REDACTED] RODOLFO GARCIA, also known

as "Martillo," JOSE MANUEL JIMENEZ-GUERRA, also known as "El Gordo," ROBERTO LOPEZ, also known as "Morro," RUDY MARTINEZ, also known as "Bacalao," WILKIN ENMANUEL MATEO-ESPINAL, GABRIEL PABON, also known as "Jose," IVAN PAULINO, JORGE PIÑERO, also known as "Malo Malo," JAVIER RIVERA, also known as "Bobolo," RIGOBERTO RIVERA, also known as "Chiquito," FELIX RODRIGUEZ, also known as "Alexi," and "Macho," [REDACTED] "YVAN TINEO, and ASNEL TORRES, also known as "Leonel," together with others, did knowingly and intentionally use and carry a firearm during and in relation to one or more drug trafficking crimes, to wit: the crimes charged in Counts Three and Four, and did knowingly and intentionally possess a firearm in furtherance of said drug trafficking crimes.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 924(c)(1)(C)(i), 2 and 3551 et seq.)

A TRUE BILL

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FOREPERSON

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BENTON J. CAMPBELL  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK